

Multiple Agency Fiscal Note Summary

Bill Number: 2359 HB	Title: Vehicle impounds
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Administrative Office of the Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Washington State Patrol	Non-zero but indeterminate cost and/or savings. Please see discussion.											
Department of Licensing	.0	0	0	18,000	.0	0	0	0	.0	0	0	0
Department of Transportation	Non-zero but indeterminate cost and/or savings. Please see discussion.											
State Parks and Recreation Commission	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Fish and Wildlife	.0	0	0	0	.0	0	0	0	.0	0	0	0
Department of Natural Resources	.0	0	0	0	.0	0	0	0	.0	0	0	0
Total \$	0.0	0	0	18,000	0.0	0	0	0	0.0	0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other			158,466						
Local Gov. Other	In addition to the estimate above, there are additional indeterminate costs and/or savings. Please see individual fiscal note.								
Local Gov. Total			158,466						

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Administrative Office of the Courts	.0	0	0	.0	0	0	.0	0	0
Washington State Patrol	.0	0	0	.0	0	0	.0	0	0
Department of Licensing	.0	0	0	.0	0	0	.0	0	0
Department of Transportation	.0	0	0	.0	0	0	.0	0	0
State Parks and Recreation Commission	.0	0	0	.0	0	0	.0	0	0
Department of Fish and Wildlife	.0	0	0	.0	0	0	.0	0	0
Department of Natural Resources	.0	0	0	.0	0	0	.0	0	0
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Gaius Horton, OFM	Phone: (360) 819-3112	Date Published: Final 2/ 7/2024
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Judicial Impact Fiscal Note

Bill Number: 2359 HB	Title: Vehicle impounds	Agency: 055-Administrative Office of the Courts
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Responsibility for expenditures may be subject to the provisions of RCW 43.135.060.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note for Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.

Contact	Phone:	Date: 01/15/2024
Agency Preparation: Angie Wirkkala	Phone: 360-704-5528	Date: 01/23/2024
Agency Approval: Chris Stanley	Phone: 360-357-2406	Date: 01/23/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/23/2024

191,477.00

Request # 094-1

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact on the Courts

The bill would provide additional protections to vehicles used as residences. A vehicle used as a residence can only be considered abandoned after 90 days has lapsed from the posting of notice for impound or reposting notice of the vehicle going up for auction.

Section 4 provides that the court or Office of Administrative Hearings may continue a hearing for 30 days to allow for the owner to clarify ownership or authorization to a vehicle.

II. B - Cash Receipts Impact

None

II. C - Expenditures

No fiscal impact expected to the Administrative Office of the Courts. There could be an indeterminate increase in court caseloads for additional hearings.

Part III: Expenditure Detail

III. A - Expenditure By Object or Purpose (State)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditure By Object or Purpose (County)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Expenditure By Object or Purpose (City)

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. D - FTE Detail

NONE

III. E - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B1 - Expenditures by Object Or Purpose (State)

NONE

IV. B2 - Expenditures by Object Or Purpose (County)

NONE

IV. B3 - Expenditures by Object Or Purpose (City)

NONE

191,477.00

Form FN (Rev 1/00)

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

None

Individual State Agency Fiscal Note

Bill Number: 2359 HB	Title: Vehicle impounds	Agency: 225-Washington State Patrol
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/15/2024
Agency Preparation: Shawn Eckhart	Phone: 360-596-4083	Date: 02/02/2024
Agency Approval: Mario Buono	Phone: (360) 596-4046	Date: 02/02/2024
OFM Review: Tiffany West	Phone: (360) 890-2653	Date: 02/06/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

There is a fiscal impact to the Washington State Patrol (WSP) from this legislation.

Subsection 1(2) says that the state or a local government is required to develop procedures to ensure that vehicle residences are only impounded as a last resort, providing examples of alternatives to impoundment like informing the resident of parking laws and alternative places to park, or towing or moving the vehicle to another area at no cost to the individual residing in the vehicle.

Subsection 1(3) states that if the state or local government has evidence that an impounded vehicle is being used as a residence, they will notify the registered tow truck operator when requesting an impound or within 24 hours after impoundment that the vehicle may be a residence, which makes it subject to the additional legal protections provided in this bill.

Subsection 1(8) states that the state or a local government that requested the impound of a vehicle residence is responsible for storage costs to the operator. That could be up to 106 days assuming a vehicle is not claimed, but stays in storage for maximum 24-hours before the impounder informs the tow truck operator of the potential of it being a residence, plus 90 days from that point (subsection 1(5)), plus 15 days for notice of custody and sale (subsection 1(6)).

A "vehicle residence" is defined in section 2, reiterating that they are subject to additional protections and procedures as also stated in subsection 1(1).

Subsection 4(2)(b) allows courts to consider late impound hearing requests with good cause if the court has information that the impounded vehicle is lived in. Good cause shall be freely granted where an individual claims financial hardship due to loss of the vehicle or where the vehicle is a vehicle residence.

Subsection 4(2)(c) requires courts to establish procedures to conduct an impound hearing within two business days after a request for a hearing is made.

Subsection 4(3)(d) states that if a court lowers impound, storage and related fees for a vehicle that was impounded by a state or local government agency, that agency must pay the tow operator the difference between the original fees and the lower amount determined by the court.

Subsection 4(3)(f) states that a statement by anyone that their vehicle is a residence is sufficient evidence for a court to recognize the extension of the special protections provided in this bill for the impounded vehicle. State or local government would need to prove otherwise.

Section 7 disallows the disposal of an abandoned junk vehicle under RCW 46.55.230 if that abandoned junk vehicle is a vehicle residence.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

There are no cash receipts to the WSP from this legislation.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Subsection 1(2) would require us to develop procedures to ensure that vehicle residences are only impounded pursuant to the provisions in the bill and only as a last resort. With the variety of alternatives to impounds, it is unknown at this time what work would go into creating the new procedures. The Office of the Attorney General (AGO) estimates that they would have about 120 hours of work to provide advice and training relevant to this provision of the bill. When considering alternatives to impound, we assume that if we were to have a vehicle moved to a location other than a tow yard, we would bear the cost of that move. In the past, a vehicle owner would bear that cost, but there is risk in this legislation that a vehicle owner charged by the tow company for the move will request a hearing and claim the law enforcement-directed move was unlawful because other alternatives were not considered. We conduct tens of thousands of tows annually and a significant number of those could apply herein because of the difficulty in assessing whether a roadside vehicle is being used as a residence. Though indeterminate, we assume that the costs will be significant whether by assuming the cost of the vehicle move, or assuming the risk of financial consequences of adverse judgements in impounds hearings.

Subsection 1(8) presents a situation where the WSP would be required to pay storage fees for a potential vehicle residence that was being held but was not claimed in the 90-day window before the authorized sale of the vehicle. The storage costs could be 105 or more days from the process outlined, particularly from subsections 1(5) and (6). From the current letter of appointment with the towing companies, storage costs are \$66 per day plus tax. This could result in costs to the WSP of more than \$7,000 for typical vehicles, or in excess of \$14,000 for a larger vehicle that takes up two storage spaces. It is not known how many vehicles would fall under this procedure for vehicle residences, and then be declared as abandoned after not being claimed in the 90-day window, though the fiscal impact could be significant.

Section 4 allows a court to lower the amounts of impound, storage and other fees for which a person is responsible. The lowering would be based on an amount that the court determines a person has the ability to pay. In addition, if we were the impounding agency, we would be required to make up the difference between the charged contract fees and the lower amount that the court determined. Again, the frequency of this happening and the amounts for which we would be responsible are unknown, but this indeterminate amount could be quite large. In addition, the section expands the list of people authorized to redeem a vehicle to include anyone authorized by the courts to do so, thereby allowing more impound hearings to continue, and potentially increasing the days of storage for a vehicle that we might end of paying for. Typically, the total costs at issue are between \$500 and \$800, but could exceed \$2,000 or more. We also assume that the AGO will need to assist us on the increased number of impound cases, which would have an indeterminate increase in what the AGO bills to us. The AGO estimates that they average about 6 hours for each impound via advice and/or representation.

Currently some courts do not entertain requests for impound hearings if they are not made in a timely manner. However 4(2)(b) allows for additional time to request hearings if the vehicles are lived in, or the person claims financial hardship due to loss of the vehicle. This could increase the number of impound cases and therefore the costs to the WSP. Once a hearing has been requested, per subsection 4(2)(c) the standard would be to have it within two business days. That quick turnaround time could easily happen when the impounding officer has their day off or is otherwise on leave, which means they would not be able to attend, or would require overtime pay to do so. A logistical issue at play here is a court's ability to provide timely notice to the WSP of the hearing date (some courts use mail) so that we can pivot quickly enough to provide an ideal response. This could result in an increase of instances of the AGO appearing in our stead at a cost to us, or a default in judgement against us for failing to appear.

In summation, there are several indeterminate factors outlined above that could greatly increase the fiscal impact to the WSP.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2359 HB	Title: Vehicle impounds	Agency: 240-Department of Licensing
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
Account					
Motor Vehicle Account-State 108 -1	0	18,000	18,000	0	0
Total \$	0	18,000	18,000	0	0

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/15/2024
Agency Preparation: Gina Rogers	Phone: 360-634-5036	Date: 01/23/2024
Agency Approval: Collin Ashley	Phone: (564) 669-9190	Date: 01/23/2024
OFM Review: Kyle Siefering	Phone: (360) 995-3825	Date: 01/23/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Sec. 1. – Adds a new section to Chapter 46.55 RCW with legislative intent.

- (1) Provisions special procedures for vehicles impounded when used as a residence.
- (2) Vehicles used as residences are impounded as a last resort
- (3) Governments must notify RTTOs if a vehicle is used as a residence.
- (4) When the vehicle is a residence, the public auction procedures at RCW 46.55.130 are stopped.
- (5) RTTOs can consider a vehicle abandoned if:
 - o 90-days have passed since notice from a government.
 - o 90-days have passed since the notice in Sec 4
 - o No person claiming to reside in the vehicle has requested a hearing.
- (6) Allows public auction to proceed after notice is sent to registered and legal owners, following a 15-day notice window
- (7) Personal belongings will remain intact and returnable to the person until auction.
- (8) Governments incur the costs of storage if it is a residence. If private/non government impound, no additional storage costs may accrue once the operate learns the vehicle is a residence.

Sec. 2 – Amends RCW 46.55.010 TOWING AND IMPOUNDMENT Definitions

Adds definition of “Vehicle residence” to mean a vehicle is used as a home. Residence vehicles are not considered abandoned, per Chapter 6.13 RCW.

Sec. 3 – Amends RCW 46.55.090 TOWING AND IMPOUNDMENT Storage, return requirements—Vehicles, personal belongings—Combination endorsement for tow truck drivers—Viewing impounded vehicle.

Provisions the personal belongings hold from Sec. 1 (7).

Sec. 4 – Amends RCW 46.55.120 TOWING AND IMPOUNDMENT Redemption of vehicles—Sale of unredeemed property—Improper impoundment.

Adds new entities that can redeem a vehicle from impound at (xi).

- (A) A court or administrative hearing officer
 - (B) If ownership is in dispute, court can hear evidence and release vehicle to the requested person
 - (C) Court may order release of personal property in the vehicle
 - (D) Court may grant extension for 30-days
- (2)(a) Requires the Department to do rulemaking for the form requesting a hearing. This form must be in multiple languages.
- (2) (b) Courts must retain a copy of the notice sent, in case it is misplaced or not received by the registered owner. May also considered late hearing requests with good cause.
- (2) (c) Courts shall develop procedures for an emergency hearing within 2 business days.

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- (2) (d) If a vehicle is already redeemed, the hearing timeframe is 30-days.
- (3) (c) If the impound is found proper, the court will determine whether the fees are proper. If the vehicle is still in the operator’s possession, the court may determine whether the vehicle shall be released.
- (3) (d) A court may reduce impound fees or order a payment plan. When fees are reduced by the impounding authority, the state or local government ordering the adjustment must pay the remaining costs of the impound or storage to the operator.
- (e) If the impound was not authorized by government, the court may not adjust fees, but may order a payment plan.
- (f) If the vehicle is a residence, the vehicle may not be sold at public auction under RCW 46.55.130.

Sec. 5 – Amends RCW 46.55.130 TOWING AND IMPOUNDMENT Notice requirements—Public auction—Accumulation of storage charges.

Adds “If no individual or agency has come forth providing information the vehicle is a residence” prior to going to public auction.

Sec. 6 – Amends RCW 46.55.140 TOWING AND IMPOUNDMENT Operator's lien, deficiency claim, liability.

Excludes discharged or adjusted impounds from lien provisions.

Sec. 7 – Amends RCW 46.55.230 TOWING AND IMPOUNDMENT Junk vehicles—Removal, disposal, sale—Penalties

—Cleanup restitution payment.

Excludes vehicles as residences from junk vehicle procedures.

Sec. 7 – Amends RCW 46.55.230 ABANDONED RECREATIONAL VEHICLES Registered tow truck operators, vehicle wreckers, scrap processors, and scrap metal businesses may apply for cost reimbursement for towing, transporting, storing, dismantling, and disposing abandoned recreational vehicles—Department to develop rules—Stakeholder work group.

Excludes vehicles as residences from Abandoned RV provisions.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Please see attached fiscal note.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Please see attached fiscal note.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
108-1	Motor Vehicle Account	State	0	18,000	18,000	0	0
Total \$			0	18,000	18,000	0	0

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years					
A-Salaries and Wages					
B-Employee Benefits					
C-Professional Service Contracts					
E-Goods and Other Services		18,000	18,000		
G-Travel					
J-Capital Outlays					
M-Inter Agency/Fund Transfers					
N-Grants, Benefits & Client Services					
P-Debt Service					
S-Interagency Reimbursements					
T-Intra-Agency Reimbursements					
9-					
Total \$	0	18,000	18,000	0	0

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Agency 240 – Department of Licensing

Bill Number: HB 2359

Bill Title: Vehicle impounds

Part 1: Estimates

No Fiscal Impact

Estimated Cash Receipts:

None.

Estimated Expenditures:

Object of Expenditure	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Goods and Services	-	18,200	18,200	-	-
Total By Object Type	-	18,200	18,200	-	-

The revenue and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions.

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- If fiscal impact is **greater than \$50,000** per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Linda Hamilton	Phone: (360) 515-8620	Date:
Agency Preparation: Gina Rogers	Phone: (360) 634-5036	Date: 1/17/24
Agency Approval: Collin Ashley	Phone: (360) 634-5384	Date: 1/18/24

Request #	1
Bill #	2359

Part 2 – Explanation

Requires special procedures for courts and Registered Tow Truck Operators (RTTO) when a vehicle is used as a residence. Excludes residence vehicles from public auction, junk vehicle, operator lien, and Abandoned RV provisions. Requires courts to reimburse RTTOs when fees are reduced.

2.A – Brief Description Of What The Measure Does That Has Fiscal Impact

Sec. 1. – Adds a new section to Chapter 46.55 RCW with legislative intent.

- (1) Provisions special procedures for vehicles impounded when used as a residence.
- (2) Vehicles used as residences are impounded as a last resort
- (3) Governments must notify RTTOs if a vehicle is used as a residence.
- (4) When the vehicle is a residence, the public auction procedures at RCW 46.55.130 are stopped.
- (5) RTTOs can consider a vehicle abandoned if:
 - 90-days have passed since notice from a government.
 - 90-days have passed since the notice in Sec 4
 - No person claiming to reside in the vehicle has requested a hearing.
- (6) Allows public auction to proceed after notice is sent to registered and legal owners, following a 15-day notice window.
- (7) Personal belongings will remain intact and returnable to the person until auction.
- (8) Governments incur the costs of storage if it is a residence. If private/non government impound, no additional storage costs may accrue once the operate learns the vehicle is a residence.

Sec. 2 – Amends RCW 46.55.010 **TOWING AND IMPOUNDMENT** Definitions

Adds definition of “Vehicle residence” to mean a vehicle is used as a home. Residence vehicles are not considered abandoned, per Chapter 6.13 RCW.

Sec. 3 – Amends RCW 46.55.090 **TOWING AND IMPOUNDMENT** Storage, return requirements—Vehicles, personal belongings—Combination endorsement for tow truck drivers—Viewing impounded vehicle.

Provisions the personal belongings hold from Sec. 1 (7).

Sec. 4 – Amends RCW 46.55.120 **TOWING AND IMPOUNDMENT** Redemption of vehicles—Sale of unredeemed property—Improper impoundment.

Adds new entities that can redeem a vehicle from impound at (xi).

- (A) A court or administrative hearing officer
- (B) If ownership is in dispute, court can hear evidence and release vehicle to the requested person
- (C) Court may order release of personal property in the vehicle
- (D) Court may grant extension for 30-days

(2)(a) Requires the Department to do rulemaking for the form requesting a hearing. This form must be in multiple languages.

(2) (b) Courts must retain a copy of the notice sent, in case it is misplaced or not received by the registered owner. May also considered late hearing requests with good cause.

(2) (c) Courts shall develop procedures for an emergency hearing within 2 business days.

(2) (d) If a vehicle is already redeemed, the hearing timeframe is 30-days.

(3) (c) If the impound is found proper, the court will determine whether the fees are proper. If the vehicle is still in the operator's possession, the court may determine whether the vehicle shall be released.

(3) (d) A court may reduce impound fees or order a payment plan. When fees are reduced by the impounding authority, the state or local government ordering the adjustment must pay the remaining costs of the impound or storage to the operator.

(e) If the impound was not authorized by government, the court may not adjust fees, but may order a payment plan.

(f) If the vehicle is a residence, the vehicle may not be sold at public auction under RCW 46.55.130.

Sec. 5 – Amends RCW 46.55.130 **TOWING AND IMPOUNDMENT** Notice requirements—Public auction—Accumulation of storage charges.

Adds “If no individual or agency has come forth providing information the vehicle is a residence” prior to going to public auction.

Sec. 6 – Amends RCW 46.55.140 **TOWING AND IMPOUNDMENT** Operator's lien, deficiency claim, liability.

Excludes discharged or adjusted impounds from lien provisions.

Sec. 7 – Amends RCW 46.55.230 **TOWING AND IMPOUNDMENT** Junk vehicles—Removal, disposal, sale—Penalties—Cleanup restitution payment.

Excludes vehicles as residences from junk vehicle procedures.

Sec. 7 – Amends RCW 46.55.230 **ABANDONED RECREATIONAL VEHICLES** Registered tow truck operators, vehicle wreckers, scrap processors, and scrap metal businesses may apply for cost reimbursement for towing, transporting, storing, dismantling, and disposing abandoned recreational vehicles—Department to develop rules—Stakeholder work group.

Excludes vehicles as residences from Abandoned RV provisions.

2.B - Cash receipts Impact

None. This bill does not change any fees collected by the department and will have no revenue impact.

2.C – Expenditures

Operating Expenditures	Fund	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Motor Vehicle	108	-	18,200	18,200	-	-
Account Totals		-	18,200	18,200	-	-

Information Services:

The agency will use appropriated funds to hire contract programmers to accomplish this work or to support current staff implementing this legislation within the required timeline. Appropriated funds may also be used to hire agency temporary staff to support permanent staff assigned to this legislative effort.

Any change requires a process to ensure changes are correctly applied to the system. This involves Project Managers that manage the team that completes the update, business analyst that documents and reviews the system changes, architect services that analyzes how the update could have an effect on other systems or DOL processes, developers who create the change, and testers and quality assurance teams that ensure the update is working correctly.

What IS Will Implement:

1. Add two new violations to the DRIVES Compliance Case Violations Table for Registered Tow Truck Operator (RTTO) licenses. Section 1, subsections 6 and 7 of the bill describe actions required by RTTOs, which if violated, would require the Department to pursue action against their license.

Cost Category	Description	Rate	2024	2025	2026	2027	2028	2029	Total Cost
TESTER	Test to verify individual components meet requirements; ensure that other business transactions have not been impacted.	\$ 27,144	-	2,700	-	-	-	-	2,700
BUSINESS ANALYST	Determine business requirements; translate requirements into what changes are needed to various systems including account codes, inventory codes, testing considerations, etc.	\$ 19,836	-	2,000	-	-	-	-	2,000
PROJECT MANAGER	Manage schedule and contracts	\$ 34,452	-	3,400	-	-	-	-	3,400
SECURITY AND ARCHITECT SERVICES	Create the conceptual model that defines the structure, behavior and framework of a computerized system including a breakdown of the system into components, the component interactions and interfaces (including with the environment, especially the user), and the technologies and resources to be used in the design.	\$ 19,836	-	2,000	-	-	-	-	2,000
CONTRACTED FAST DEVELOPER / TESTER	Updates to the DRIVES system will require additional vendor hours outside of the contracted maintenance to make system updates to implement this bill.	\$ 37,236	-	3,700	-	-	-	-	3,700
Trainer	Trains business partners and employees in new system processes and capabilities.	\$ 27,144	-	2,700	-	-	-	-	2,700
Project Contingency	Office of the Chief Information Officer designated rate of 10%	\$ 29,824	-	1,700	-	-	-	-	1,700
Totals			-	18,200	-	-	-	-	18,200

Part 3 – Expenditure Detail

3.A – Operating Budget Expenditures

Object of Expenditure	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
Goods and Services	-	18,200	18,200	-	-
Total By Object Type	-	18,200	18,200	-	-

3.B – Expenditures by Object or Purpose

Object E - Description	FY 24	FY 25	23-25 Total	25-27 Total	27-29 Total
ER - Application Programmers	-	18,200	18,200	-	-
Total Goods & Services	-	18,200	18,000	-	-

Part 4 – Capital Budget Impact

None.

Part 5 – New Rule Making Required

None.

Individual State Agency Fiscal Note

Bill Number: 2359 HB	Title: Vehicle impounds	Agency: 405-Department of Transportation
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/15/2024
Agency Preparation: Nicole Knudson	Phone: 360-705-7293	Date: 01/25/2024
Agency Approval: Andrea Fortune	Phone: 360-705-6823	Date: 01/25/2024
OFM Review: Maria Thomas	Phone: (360) 229-4717	Date: 01/26/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

See attached Fiscal Note.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. B - Expenditures by Object Or Purpose

Non-zero but indeterminate cost and/or savings. Please see discussion.

III. C - Operating FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: HB 2359

Title: Vehicle impounds

Agency: 405-Department of Transportation

Part I: Estimates

- No Fiscal Impact (Explain in section II. A)
- Indeterminate Cash Receipts Impact (Explain in section II. B)
- Partially Indeterminate Cash Receipts Impact (Explain in section II. B)
- Indeterminate Expenditure Impact (Explain in section II. C)
- Partially Indeterminate Expenditure Impact (Explain in section II. C)

-
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
 - If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, **complete entire fiscal note form Parts I-V**
 - Capital budget impact, **complete Part IV**
 - Requires new rule making, **complete Part V**
 - Revised

Agency Assumptions

N/A

Agency Contacts:

Preparer: Nicole Knudson	Phone: +1 360-705-7293	Date: 1/18/2024
Approval: Andrea Fortune	Phone: +1 360-705-7855	Date: 1/18/2024
Budget Manager: Siri Olson	Phone: +1 360-705-7542	Date: 1/24/2024

Part II: Narrative Explanation

II. A - Brief description of what the measure does that has fiscal impact

WSDOT assumes an indeterminate expenditure impact from HB 2359, based upon the direction to develop procedures and protections for impounded vehicles used as a vehicle residence and ensuring that vehicle residences are only impounded as a last resort after considering all available and reasonable alternatives to impoundment.

Section 2 would require the department to contact individuals residing in the vehicle and provide parking law and alternative parking information or tow the vehicle to a safe space within jurisdiction after proper notification. The vehicle must be retrievable to the individual residing in the vehicle. The department would be required to manage designated locations for vehicle towing and cover the storages, ensuring no expenses are incurred by the vehicle's owner.

Section 7 requires the department to preserve personal belonging and return to vehicle's owner upon request and presentation of sufficient identification.

Individual State Agency Fiscal Note

Section 8 holds the department responsible for paying storage costs to the operator.

II. B – Cash Receipts Impact

Current bill language does not indicate there would be any cash receipts that WSDOT would receive.

II. C - Expenditures

The fiscal impact is indeterminate based upon the costs associated with establishing and overseeing designated spaces for vehicles identified as residences, the labor associated with removing as well as developing software for vehicle tracking and data management. WSDOT does not currently have designated impound lots, operations, and security because it has not been a function of the agency. WSDOT does not have the data (or resources in place to begin data collection) to provide an estimated fiscal impact, such as number of tows where the vehicle is used as a residence, cost of tows associated with vehicles used as a residence, and the costs associated with labor specifically conducting this work.

For example, one of the department's six regions currently tows an average of two to three vehicles and two RV campers per week. The costs for removal and disposal costs of RVs, depending on size, is approximately \$3,500 per camper. Towing estimates vary depending upon size of vehicle and distance towing service will be traveling. Potential storage fees will increase the variable expense because they are based upon the size and type of vehicle and how long the vehicle is in storage. This cost can also vary depending upon how long an incident takes to be get through the Administrative Office of the Courts processes and to a hearing.

Part III: Expenditure Detail

III. A - Expenditures by Object or Purpose

N/A

Part IV: Capital Budget Impact

N/A

Part V: New Rule Making Required

N/A



Ten Year Analysis

Bill Number: HB 2359	Title: Vehicle Impounds	Agency: 405 Washington State Department of Transportation
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Ten-year analyses are limited to agency-estimated cash receipts associated with the new proposed taxes or fees or existing tax or fee increases. The Office of Financial Management ten-year projection can be found at <http://www.ofm.wa.gov/tax/default.asp>.

Estimates

No Cash Receipts **Partially Indeterminate Cash Receipts** **Indeterminate Cash Receipts**

Name of Tax or Fee	Account Code and Title	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	FY 2031	Total 2023-31
	Choose an item.											
Totals												

Narrative Explanation (Required for all Taxes and/or Fees including "Indeterminate," "Partially Indeterminate," or "No Cash Receipts.")

- **Brief Description of What the Measure does that has I-960 Implications**
Briefly describe by section number, the provisions of the bill that make it subject to the requirements of I-960.
- **Cash Receipts Impact**
Briefly describe and quantify the cash receipts impact to the legislation on the responding agency, including rates, assumptions, and an explanation if the cash receipts are indeterminate.

Individual State Agency Fiscal Note

Bill Number: 2359 HB	Title: Vehicle impounds	Agency: 465-State Parks and Recreation Commission
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/15/2024
Agency Preparation: Robert Ingram	Phone: (360) 902-8615	Date: 01/18/2024
Agency Approval: Frank Gillis	Phone: (360) 902-8538	Date: 01/18/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/18/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

This legislation makes changes to laws surrounding the impounding of vehicles that have been identified by the owners as personal residences.

Since State Parks does not impound vehicles identified by the owners as residences, this bill would have no fiscal impact on the agency.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

None.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Since State Parks does not impound vehicles identified by the owners as residences, this legislation would have no fiscal impact on the agency.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

None.

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2359 HB	Title: Vehicle impounds	Agency: 477-Department of Fish and Wildlife
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/15/2024
Agency Preparation: David Hoeveler	Phone: (360) 970-1638	Date: 01/17/2024
Agency Approval: David Hoeveler	Phone: (360) 970-1638	Date: 01/17/2024
OFM Review: Matthew Hunter	Phone: (360) 529-7078	Date: 01/18/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Section 1 requires the Department of Fish and Wildlife, as well as other agencies, to follow additional procedures before impounding a vehicle that is used as a residence. The procedures include contacting the individual, towing the vehicle to another safe location, and other forms of notice.

The fiscal impact of the proposed legislation is indeterminant due to lack of historical costs related to impounding vehicles being used as residences.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

Individual State Agency Fiscal Note

Bill Number: 2359 HB	Title: Vehicle impounds	Agency: 490-Department of Natural Resources
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

NONE

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact:	Phone:	Date: 01/15/2024
Agency Preparation: Ana Cruz	Phone: 3609021121	Date: 01/18/2024
Agency Approval: Angela Konen	Phone: 360-902-2165	Date: 01/18/2024
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/19/2024

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Sec 1 is added requiring additional protections and procedures when impounding vehicles used as a vehicle residence. A vehicle residence is defined in Sec 2 (15).

This bill will require DNR law enforcement to enact policy changes that address vehicle impounds, specifically impounding vehicles that are used as a residence. Any fiscal impacts would be similar to when an impound is contested and the agency is found to have illegally impounded the vehicle. Since this occurs very infrequently, DNR will be able to absorb related costs with current resources.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

NONE

III. B - Expenditures by Object Or Purpose

NONE

III. C - Operating FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part I and Part IIIA.*

NONE

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Department of Commerce

Bill Number: 2359 HB	Title: Vehicle impounds
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Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: \$117,984 in one-time training costs plus indeterminate but potentially significant costs for paying unpaid towing and storage costs when a court reduces those fees for vehicle owners.
- Counties: Same as above but one-time county training costs would total \$40,482.
- Special Districts:
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs: Training. See above.
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: Local governments' costs to develop new procedures; the frequency with which courts will reduce vehicle impound fees for vehicle owners; and amount impounding agencies will have to pay when courts reduce vehicle impound and storage fees for vehicle owners.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Jurisdiction	FY 2024	FY 2025	2023-25	2025-27	2027-29
City		117,984	117,984		
County		40,482	40,482		
TOTAL \$		158,466	158,466		
GRAND TOTAL \$					158,466

In addition to the estimates above, there are additional indeterminate costs and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Kate Fernald	Phone: 564-200-3519	Date: 01/22/2024
Leg. Committee Contact:	Phone:	Date: 01/15/2024
Agency Approval: Alice Zillah	Phone: 360-725-5035	Date: 01/22/2024
OFM Review: Gaius Horton	Phone: (360) 819-3112	Date: 01/23/2024

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Section 1 would add a new section to Chapter 46.55 RCW.

(1) would establish that impounded vehicles used as a vehicle residence would be subject to additional procedures and protections outlined in this section.

(2) A state or its agents, or a local government or its agents, would be required to develop procedures to ensure that vehicle residences are only impounded pursuant to the provisions of this chapter and impounded as a last resort after considering all available, reasonable alternatives to impoundment including, but not limited to:

(a) Contacting the individual residing in the vehicle to inform the individual of parking laws and alternate places to move the individual's vehicle;

(b) Towing or moving the vehicle to a safe lot or safe parking area after proper notification; and

(c) Moving the vehicle to an alternative legal location within the jurisdiction where the vehicle may be retrieved at no cost to the individual residing in the vehicle.

(3) would require the state or its agents, or a local government or its agents, to notify the registered tow truck operator when requesting an impound or 24 hours after impoundment that the vehicle may be a vehicle residence and may be subject to additional protections if the state or local government receives information or observes an indication that a vehicle is a vehicle residence.

(4)(a) would require any public auctions to stop if an operator or any of its agents or employees is told or receives information that the impounded vehicle is a vehicle residence. The operator would be required to provide the following to any individual claiming to live in the vehicle:

(i) Written notice of the right of redemption and opportunity for a hearing;

(ii) A form to be used for requesting a hearing;

(iii) The name of the person or agency authorizing the impound; and

(iv) A copy of the current towing and storage invoice.

(b) would clarify that the information in (a)(i) through (iv) of this subsection must be provided again, even if it has already been previously mailed or provided under the procedures described in RCW 46.55.110.

(5) would outline when a vehicle residence may be considered abandoned:

(a) Ninety days have passed since notice from a state or its agents or local government or its agents under subsection (3) of this section;

(b) Ninety days have passed since providing or reproviding the notice under subsection (4) of this section; and

(c) No individual claiming to reside in the vehicle or any other individual authorized to redeem the vehicle under RCW 46.55.120 has requested a hearing, redeemed the vehicle by payment, or communicated with the operator to arrange redemption of the vehicle.

(6) would outline when an operator may proceed forward with a public auction.

(7) would require personal belongings from impounded vehicle residences to be kept intact and returned to the vehicle's owner or agent during normal business hours upon request and presentation of a driver's license or other sufficient identification. The belongings could not be considered abandoned or disposed of at the operator's discretion until the date of auction. No personal belongings request form would be required under RCW 46.55.090.

(8) would establish that if the impound was carried out at the direction of the state or its agents or a local government or its agents, then they would be responsible for paying any storage costs to the operator. If the impound was private and without governmental involvement, no additional storage costs may accrue once either an individual has notified the operator the individual resides in the vehicle or after a hearing has been requested.

Sec. 2 amends RCW 46.55.010 to add one new definition. "Vehicle residence" would be "a vehicle that is used as a home, residence, shelter, and/or homestead pursuant to chapter 6.13 RCW. Vehicle residences are not considered abandoned and are instead subject to additional protections and procedures, as outlined in this chapter."

Sec. 3 (3) amends Sec. 3. RCW 46.55.090 to add that if an impounded vehicle is subject to section 1 of this act, then the treatment of personal belongings would be subject to section 1(7) of this act.

Sec. 4 would amend RCW 46.55.12.

Sec. 4(2)(b) would add that if an individual wishes to request a hearing but has misplaced or claims to have not received the hearing request form from the operator, then courts shall ensure that an additional copy of the form is provided to anyone who requests it. Courts may require filing fees for hearing requests, but courts shall waive these fees for individuals who cannot pay due to financial hardship or if they are requesting a hearing to redeem a vehicle they claim is a vehicle residence. Courts may consider late hearing requests, prior to auction of the vehicle, upon good cause. Good cause shall be freely granted where an individual claims financial hardship due to loss of the vehicle or where the vehicle is a vehicle residence.

(b) also clarifies district and municipal court jurisdictions.

(c) would establish that if an impounded vehicle is still held by the operator and has not been redeemed, courts shall develop procedures to ensure that a hearing is conducted within two business days after the request for a hearing. If extraordinary circumstances delay the hearing beyond two business days and the impounded vehicle is claimed to be used as a vehicle residence, courts shall order the release of the vehicle to the claimed occupant and hearing requester if they qualify to redeem the vehicle under subsection (1)(a)(i) through (viii) of this section, pending final determination at the hearing. Upon receipt of a timely hearing request, the court shall proceed to hear and determine the validity of the impoundment.

(d) If an impounded vehicle has already been redeemed by the hearing requester and is not in the operator's possession, courts would be required to schedule hearings within 30 days of the request for hearing. Upon receipt of a request, the court shall proceed to hear and determine the validity of the impoundment.

(3)(a) Instead of having five days after receiving the request for a hearing, courts would be immediately required to notify the registered tow truck operator, the person requesting the hearing if not the owner, the registered and legal owners of the vehicle or other item of personal property registered or titled with the department, and the person or agency authorizing the impound in writing of the hearing date and time.

(3)(c) would require courts to determine whether impound fees are proper in light of the responsible individual's financial circumstances. If the vehicle is still within the operator's possession, the court shall also determine whether the vehicle shall be released to the individual requesting the hearing.

(3)(d) If the impoundment was authorized at the direction or request of the state or its agents or a local government or its agents, then the court must determine whether the impound fees, storage fees, or any other impound related charges are excessive, taking into consideration the individual's ability to pay, the effect of the impound and fees on the individual's livelihood, and any other applicable factors. The court shall lower fees and charges if they are excessive. In addition to lowering the fees and charges, the court may also allow payment of any reduced imposed towing and storage fees on an affordable monthly or other term payment plan. If the court lowers impound or storage fees, the state or its agents or local government or its agents must pay the remaining costs of the impoundment or storage to the operator, or as otherwise determined by the contract with the operator.

(3)(e) If an impounded vehicle is a vehicle residence, it may not be sold under public auction or retained by the operator for unpaid charges.

(3)(g) would add that if the operator did not have a signed and valid impoundment authorization from a private property owner or an authorized agent, then the person or agency who authorized the impoundment shall be liable for any towing, storage, or other impoundment fees permitted under this chapter.

Sec. 7 amends RCW 46.55.230. Any law enforcement officer having jurisdiction, or any employee or officer of a jurisdictional health department acting pursuant to RCW 70A.205.195, or any person authorized by the director shall inspect and may authorize the disposal of an abandoned junk vehicle so long as that abandoned junk vehicle is not a vehicle residence.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

One-time law enforcement training costs would increase by \$117,984 for cities and \$40,482 for counties. Additionally, the proposed bill could result in indeterminate but potentially significant expenditure increases for cities, counties and local law-enforcement agencies due to requiring impounding agencies to: develop impound procedures for vehicles used as a residence; develop a notification requirement to the towing operator; and pay the unpaid towing and storage costs if a court lowers them.

LOCAL GOVERNMENT EXPENDITURES

Cities, counties and local law enforcement agencies could incur indeterminate expenditures from the following changes that the proposed legislation would make. With the exception of training, potential costs would be conditional, discretionary or based on future events that cannot be predicted in advance, so the legislation's impact to local government agencies is indeterminate.

-- Sec. 1(1): Local agencies could be required to develop procedures that would ensure vehicle residences are only impounded pursuant to the provisions of this chapter.

-- Sec. 1(3): When requesting an impound, or 24 hours after impoundment, cities, counties and local law enforcement agencies would be required to notify the tow truck operator that the vehicle may be a vehicle residence that is subject to additional protections.

-- Sec. 1(5) and Sec. 2: Local law enforcement agencies would have to train all officers about when a vehicle may be considered abandoned, the new definition of "vehicle residence," new notification requirements and the new procedures for impounding vehicles that may be residences.

-- Sec. 1(8): If a local agency impounded a vehicle, then the legislation would require the local agency to pay any storage costs to the tow truck operator.

-- Sec. 4(3)(d): The proposed legislation would give courts the option to lower impound and storage fees based on a number of factors. If a court lowered the impound and storage fees for a vehicle that was impounded by a local government agency, then that local agency would be required to pay the tow truck operator's remaining costs incurred from impounding and storing the vehicle. Given that vehicles may be stored up to 89 days, significant storage costs could accrue.

-- Sec. 4(3)(g): The local impounding agency would be responsible for paying vehicle impound fees if a tow truck operator does not have a signed and valid impoundment authorization from the local agency that ordered the vehicle to be impounded.

VEHICLE IMPOUND AND STORAGE FEES

Cities, counties and local law enforcement agencies could experience indeterminate but potentially significant cost increases when a court reduces a vehicle owner's impound and storage fees. Per Sec. 4(3)(d), if a court lowered the impound and storage fees for a vehicle that was impounded by a local government agency, then that local agency would be required to pay the cost difference between a vehicle owner's reduced vehicle-impound fees and the tow-truck operator's actual costs for towing and storing the impounded vehicle. However, the fee reductions would be at the court's discretion. Because the potential cost difference impounding agencies will be responsible for paying cannot be predicted in advance, local governments' expenditure impacts from paying impound and storage fees are indeterminate.

ILLUSTRATIVE IMPOUND AND STORAGE FEES

Strictly for example purposes, costs to impound and store vehicles are offered below for the city of Seattle. Seattle's average impound fee is \$207, and Seattle's average storage fee is \$38 per day.

The City of Seattle contracts with Lincoln Towing to provide services for police-authorized impounds. Below are the impound and storage fees charged by Lincoln Towing under its current contract with the City of Seattle. The contract runs through Dec. 31, 2024. Class A impound fees and 20' and under storage fees are determined by the impound storage location or zone. The following rates are effective Jan. 1, 2024 through Dec. 31, 2024.

Impound fees / Rates through Dec. 31, 2024

Class A: \$238 / impound in the north zone (includes dolly fee and first one-half hour of winch fee)

Class A: \$210.50 / impound in the south zone (includes dolly fee and first one-half hour of winch fee)

Class B: \$202.79 / hr (north and south zones)

Class C: \$256.76/ hr (north and south zones)

Class E: \$202.79 / hr (north and south zones)

Class S1 Rotator: \$890 / hr (north and south zones)

Driving while license suspended: \$131.52 / impound (north and south zones)

Removing the Class S1 Rotator outlier, Seattle's average impound fee is \$207.

Storage fee type / Storage fees

20' or under: \$17.50 / 12-hour increment in the north zone

20' or under: \$15.50 / 12-hour increment in the south zone

Each increment over 20': 100% of applicable zone storage fee

Driving while license suspended: \$16.24 / 12-hour increment (north and south zones)

Each increment over 20'+A1: \$16.24 / 12-hour increment (north and south zones)

Seattle's average storage fee is: \$16 per 12 hours, or \$38 per day.

LOCALLY IMPOUNDED VEHICLES

To provide a sense of how often local law enforcement agencies could be held responsible for paying reduced vehicle impound and storage fees, Washington State Department of Licensing (DOL) provided local law-enforcement-initiated vehicle-impound data from 2018 through 2022. The number of impounds that would qualify as vehicle residences under the proposed legislation is not known, and the number of impounded vehicles that may receive reduced impound and storage fees cannot be predicted in advance; however, numbers are provided below to offer a sense of how often local law enforcement agencies could be held responsible for paying reduced vehicle impound and storage fees.

Please note DOL's data is approximate. Vehicles are impounded at the request of: local law-enforcement agencies, Washington State Patrol, businesses and private individuals. DOL used pattern matching to identify requesters that were

likely local law-enforcement agencies. Values are rounded to the nearest 100 due to the error inherent in pattern matching text entries that can have typos.

Local law enforcements' approximate number of impounded vehicles by calendar year:

2018: 50,300 vehicles

2019: 50,100 vehicles

2020: 39,400 vehicles

2021: 45,100 vehicles

2022: 51,200 vehicles

Cities, counties and local law enforcement agencies could experience an indeterminate but potentially significant increase in expenditures if courts reduce a vehicle owner's vehicle impound and storage fees, causing the impounding agency to pay the remaining balance.

TRAINING COSTS

One-time law enforcement training costs would increase by \$117,984 for cities and \$40,482 for counties. Washington Association of Sheriffs and Police Chiefs estimates all law enforcement officers would require 15 minutes of training to discuss the new procedures for impounding vehicle residences.

The 2023 Association of Washington Cities weighted average hourly salary (including benefits and overhead) is \$71 for police officers and \$72 for sheriffs. According to the 2022 Crime in Washington Report, there are 6,647 city law enforcement officers and 2,249 law enforcement officers.

-- Cities' training impact: 0.25 (15 minutes of one hour) x \$71 per hour x 6,647 officers = \$117,984.

-- Counties' training impact: 0.25 (15 minutes of one hour) x \$72 per hour x 2,249 officers = \$40,482.

MUNICIPAL AND DISTRICT COURTS

Please note that court impacts, including judicial costs, clerk costs, and court fees, are described in fiscal notes prepared by the Administrative Office of the Courts (AOC). Local government fiscal notes include city and county expenditures for law enforcement investigations and arrests, indigent defenders, prosecutors, and jail costs.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

The legislation would not impact local governments' revenue.

SOURCES:

Administrative Office of the Courts

Association of Washington Cities

City of Seattle

Local Government Fiscal note for 2SSB 5730 (2023)

Washington Association of County Officials

Washington Association of Sheriffs and Police Chiefs

Washington Courts

Washington State Department of Licensing